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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 J. AUGUSTO BASTIDAS, M.D.;

13 PLAINTIFF,

14 v.

15 GOOD SAMARITAN HOSPITAL LP, A
16 DELAWARE LIMITED PARTNERSHIP;
GOOD SAMARITAN HOSPITAL LLC, A
17 DELAWARE LIMITED LIABILITY
COMPANY; GOOD SAMARITAN
18 HOSPITAL MEDICAL STAFF, A
CALIFORNIA UNINCORPORATED
19 ASSOCIATION; HCA, INC., A DELAWARE
CORPORATION; STEVEN M. SCHWARTZ,
20 M.D.; AND BRUCE G. WILBUR, M.D.

21 DEFENDANTS.

CASE NO. C-13-4388-SI

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO VACATE THE INITIAL
CASE MANAGEMENT CONFERENCE
SCHEDULED FOR JULY 11, 2014 AND
SET A NEW DATE**

Judge: Hon. Susan Illston
Complaint Filed: September 20, 2013
Trial Date: None Set

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C-13-4388-SI

STIPULATION TO VACATE THE INITIAL CASE MANAGEMENT CONFERENCE
SCHEDULED FOR JULY 11, 2014 AND SET A NEW DATE

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14 Attorneys for Defendant HCA Inc.
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1 WHEREAS, on December 23, 2013, Plaintiff J. Augusto Bastidas, M.D. filed a First
2 Amended Complaint against Defendants Good Samaritan Hospital LP; Good Samaritan Hospital
3 LLC; Good Samaritan Hospital Medical Staff; Steven M. Schwartz, M.D.; Bruce G. Wilbur, M.D.
4 (collectively referred to as the “GSH Defendants”); and HCA Inc. for (1) racial discrimination
5 under 42 U.S.C. § 1981, and (2) denial of due process under 42 U.S.C. § 1983 [Docket 39]; and
6

7 WHEREAS, on March 13, 2014, the Court entered an Order Granting Motions to Dismiss
8 (“March 13, 2014 Order”) [Docket 56] in which the Motions to Dismiss as to Plaintiff’s First
9 Amended Complaint were granted, with leave to amend as to certain claims; and
10

11 WHEREAS, on March 18, 2014, the Court, upon request of the parties: (i) granted an
12 Order Vacating the Initial Case Management Conference Scheduled for March 31, 2014 after a
13 determination that a Case Management Conference would be premature, and (ii) continued the
14 Initial Case Management Conference to June 6, 2014 at 2:30 p.m. [Docket 58]; and
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16 WHEREAS, on April 16, 2014, Plaintiff filed a Second Amended Complaint against
17 Defendants [Docket 60]; and
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19 WHEREAS, on May 12, 2014, GSH Defendants and HCA Inc. filed Motions to Dismiss
20 Plaintiff’s Second Amended Complaint [Docket 63, 64] and HCA Inc. filed a Motion to Strike
21 Plaintiff’s Second Amended Complaint [Docket 65]. These Motions have been scheduled for
22 hearing on July 11, 2014 [Docket 63-65], the earliest time available based on the Court’s calendar
23 and conflicts of counsel; and
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25 WHEREAS, on May 16, 2014, the Court continued the Initial Case Management
26 Conference to July 11, 2014 at 2:30 p.m. [Docket 68]; and
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28 WHEREAS, the parties have agreed (i) that the scheduling of a Case Management
Conference on July 11, 2014 is premature, given the pending Motions to Dismiss and Motion to
Strike, (ii) to request that the Court vacate the July 11, 2014 Case Management Conference and re-

1 set this Conference to a date it considers appropriate that is subsequent to the July 11, 2014
2 hearing date on the pending Motions to Dismiss.

3 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the Parties
4 hereto, with the Court's permission, that:

5 1. The Initial Case Management Conference scheduled for July 11, 2014 at 2:30 P.M.
6 is vacated.

7 2. The Initial Case Management Conference is rescheduled as specified in the Order
8 of the Court, set out below.
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11 Respectfully submitted,
12 DATED: May 21, 2014 HENNEFER, FINLEY & WOOD, LLP

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14 BY: /s/ James A. Hennefer
15 JAMES A. HENNEFER
16 Attorneys for Plaintiff J. Augusto Bastidas, M.D.

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18 SHANNON, MARTIN, FINKELSTEIN &
19 ALVARADO, P.C.

20
21 BY: /S/ George A. Shannon, Jr.
22 GEORGE A. SHANNON, JR. (*Pro Hac Vice*)
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24 Adam C. Kiehne (*Pro Hac Vice*)
25 Attorneys for Defendant HCA Inc.
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GIBSON, DUNN & CRUTCHER LLP

BY: /S/ Thad A. Davis


THAD A. DAVIS
MICHAEL LI-MING WONG
Attorneys for Defendants Good Samaritan
Hospital, L.P., Samaritan, LLC, Good Samaritan
Hospital Medical Staff, Steven M. Schwartz,
M.D., and Bruce G. Wilbur, M.D.

[[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Case Management Conference is

set for July 25, 2014.

DATED: 5/22/14



HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

FILER'S ATTESTATION

I, George A. Shannon, Jr., hereby attest that concurrence in the filing of this Stipulation to Vacate the Initial Case Management Conference Scheduled for July 11, 2014 and Set a New Date has been obtained from each of the other signatories listed above, each of whom has authorized me to affix their electronic signature to this Stipulation.

Respectfully submitted,
SHANNON, MARTIN, FINKELSTEIN
& ALVARADO

By: /s/ George A. Shannon, Jr.
George A. Shannon, Jr.
Attorney for Defendant HCA Inc.

CERTIFICATE OF SERVICE

STATE OF TEXAS, COUNTY OF HARRIS

At the time of service, I was over 18 years of age and **not a Party to this action**. I am employed in the County of Harris, State of Texas. My business address is 1001 McKinney Street, Suite 1100, Houston, TX 77002.

On May 21, 2014, I served true copies of the following document(s) described as

**STIPULATION TO RESET INITIAL CASE MANAGEMENT CONFERENCE
SCHEDULED FOR JULY 11, 2014 AND SET A NEW DATE**

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of George A. Shannon, Jr. who has been admitted pro hac vice in this case and at whose direction the service was made.

Executed on May 21, 2014, at Houston, Texas.

/s/ Cindy DeMott
Cindy DeMott